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May 5, 2017

BY ECF

Honorable William H. Pauley III
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Jasmine Bridgeforth, et al. v. City of New York, et al.
16-CV-273 (WHP) (RLE)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, representing Defendants City of New York, Detective John Zerafa, Police Officer Rafael Sanchez, Police Officer Mohammed Khang, Sergeant Demetrious Lee, and Mr. Luis Despaigne in the above-referenced matter. Pursuant to the Court's Order dated April 6, 2017, the parties respectfully submit this joint status report.

Plaintiffs' Position on the Status of the Case

Last month, Your Honor granted the Parties an extension to complete discovery due to one of the Plaintiff's unavailability for deposition due to a medical issue. I write to provide the Court with a status report.

I have been in very recent touch (last Friday, April 28) with the Plaintiff whose deposition had to be trailed. The Plaintiff's condition has improved and appears to continue to improve to the point where it will very shortly permit the Plaintiff's deposition. I discussed this information with Defense Counsel as soon as I learned it. Barring an unexpected setback in the Plaintiff's progress, the Parties anticipate that on or before May 12, 2017, we will have more definite word about the Plaintiff's readiness and availability to sit for deposition, as well as a firm date for the proceeding.

I therefore propose to Your Honor that, on or before May 12, 2017, I will file another status report with the Court with these details as well as a proposed date for the overall close of discovery. Once this Plaintiff's deposition, the close of overall discovery can follow very swiftly. I have conferred with Defendants, and they consent to the proposed May 12, 2017, follow-up status report.

The Parties' pretrial progress in all other areas is very good. Defendants have deposed the other Plaintiffs. I have deposed the two central Defendants. On Tuesday and Wednesday of next week I will depose a non-party ADA and a non-party ACS CPS. In terms of paper discovery, it is largely complete. Defendants' depositions gave rise to a deficiency letter that Plaintiffs served on Defendants about one to two weeks ago, but the issues addressed therein are limited.

Defendants' Position on the Status of the Case

Since the Initial Conference, held on April 11, 2016, and the only conference wherein the parties have appeared before Your Honor on this matter, the parties have engaged in paper discovery, including the exchange of initial and supplemental disclosures, CCRB investigative files, relevant ACS investigation files, and interrogatories and document requests. Paper discovery is ongoing, but nearly complete. Plaintiffs sent by e-mail a courtesy copy of a supplemental deficiency letter upon Defendants on April 25, 2017, to which the City intends on responding within 30 days of its receipt. Contained within Plaintiffs' brief deficiency letter is a demand to inspect the original handwritten notes obtained from the apartment of Plaintiffs Jasmine Bridgeforth and Delano Broadus on the date of the incident by Officer Sanchez. Defendants are continuing to search for such documents, as they are not presently in the possession of the undersigned, and will work cooperatively with counsel to schedule a time for such inspection at the Office of Corporation Counsel.

Additionally, Defendants have agreed to make certain disciplinary records available for inspection at the Office of Corporation Counsel, to which Plaintiffs' counsel is amenable. The parties anticipate being able to conduct this Discovery and Inspection by June 1, 2017, if not sooner.

With respect to depositions, Defendants have already produced for depositions Officer Sanchez and Detective Zerafa, who were deposed on April 17, 2017 and April 25, 2017, respectively. Plaintiff David Fairfax was deposed on March 31, 2017 and Plaintiff Delano Broadus was deposed on April 4, 2017. On April 28, 2017, counsel advised Defendants that Plaintiff Jasmine Bridgeforth is no longer hospitalized and may be produced for deposition, which will be scheduled accordingly. Per Plaintiffs' request, Defendants have also made available for deposition non-party witness Joshua Davis, an employee of the Administration for Children's Services ("ACS"), who will be deposed on May 10, 2017. Further, the deposition of non-party witness ADA Caitlin Nolan will take place on May 9, 2017. Counsel has represented that he expects the depositions of these non-parties to not exceed two hours.

With respect to any remaining depositions, the parties have discussed the practical value of deposing parties prior to non-parties, within reason. Defendants will work with

Plaintiffs on scheduling matters, with a view of deposing parties first. Plaintiffs have indicated strong interest in deposing non-parties such as Lt. Guenther, and thus Defendants will once again confer with counsel to determine the priority of witnesses with respect to anticipated depositions. Also, as a practical matter, Defendant Deputy Inspector Luis Despaigne is now retired, of which the Court and Plaintiffs are aware.

The parties have been working amicably toward the completion of discovery in this matter, and currently have no discovery disputes to address with the Court.

Defendants thank the Court for its time and consideration.

Respectfully submitted,

/s/

Elizabeth Bardauskis
Assistant Corporation Counsel

cc: Ryan Lozar, Esq. (by ECF)
Attorney for Plaintiffs